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10/562,249	06/21/2007	Karl-Ragmar Riemschneider	DE03 0226 US1	6034
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NXP, B.V.			EXAMINER	
NXP INTELLECTUAL PROPERTY DEPARTMENT			LABBEES, EDNY	
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1109 MCKAY DRIVE			ART UNIT	PAPER NUMBER
SAN JOSE, CA 95131			2612	
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			12/15/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,249	<b>Applicant(s)</b> RIEMSCHNEIDER ET AL.
	<b>Examiner</b> EDNY LABBEES	<b>Art Unit</b> 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 09 May 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 22 December 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-166/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Status Of Claims***

1. In the response filed 5/9/2008, no claim has been cancelled or added hence claims 1-21 are currently pending in the application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 8, 10, 15, 16, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kulha et al. (US 5,973,611).

Regarding Claim 1, Kulha discloses *Hands-Free Remote Entry System* that has the following claimed limitations:

Claimed method for increasing the security of passive transponder systems employing wireless transmission between at least one base station and at least one personal device that a person carry with him or her is met by the hands free remote entry system (10) comprising a base transceiver 912) and a fob or portable transceiver (14) (See Col. 3 Ins 1-7); claimed said method includes providing an automatic communication process that takes place between the base station and the personal device for establishing that the personal device is spatially close so as to provide

secured access is met by the transceiver (12) that includes microprocessor (16) consisting of wake-up sensors (20) wherein the wake-up sensors (20) detect objects within zones about the vehicle upon sensing an object with one of the sensors (20). The microprocessor (16) transmits wake-up information and data to the fob transceiver (14). From there, the microprocessor (16) receives identification and data signals from the fob transceiver (14) (See Col. 3 Ins 34-52); claimed said automatic communication includes providing signaling perceptible to a human as part of the communication process between the base station and the personal device is met by the transceiver (14) comprising a microprocessor (36) and various peripheral outputs (48). The processor (36) drives the various peripheral outputs (48). The peripheral outputs (48) consists of audible and visual warnings located on the fob transceiver (14) such as beepers or LED's which are used to communicate to the user (See Col. 3 Ins 53 - Col. 4 Ins 11).

Regarding Claim 5, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 8, Kulha discloses a system wherein the portable transceiver includes switch/keypad inputs (38) to allow a user to manually actuate the fob transceiver (see Col. 3 Ins 58-60). Therefore, the actuator also serves the purpose to deactivate the portable transceiver via the switch/keypad inputs (38).

Regarding Claim 10, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 15, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 16, the claim is interpreted and rejected as claim 8 stated above.

Regarding Claim 18, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 21, the claim is interpreted and rejected as claims 1 and 5 stated above.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulha et al. in view of Hussey et al. (US 6,130,622).

Regarding Claim 2, Kulha does not specifically disclose that the perceptible signaling is emitted from the base station. Kulha discloses a system where the perceptible signaling is emitted from the portable transceiver (14). However, it well known in the art that perceptible signaling, such as audible or visual signaling, can be used to allow the user or operator to be aware of the vehicle. Hussey discloses *System And Method For Remote Convenience Function Control Having A Re-key Security Feature* that teaches a system comprising a portable hand-held transceiver (10) and a vehicle-based transceiver/controller (16) wherein the function request signal (18) is

transmitted by the portable transceiver (14) in response to manual input from an operator. Specifically, the portable transceiver (14) includes at least one manually actuatable pushbutton selector switch. In the example shown in the figure, there are four pushbuttons (22-28). A first push-button (22) and a second pushbutton (24) are associated with the vehicle door lock and unlock functions, respectively. A third pushbutton (26) is associated with a remote vehicle locate or "find" function (i.e., short horn sound/lights flash) (See Col. 4 Ins 33-49). The short horn sound/lights flash are perceptible signaling that is emitted from the base station (i.e., the car). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Hussey into the system of Kulha for the purpose of allowing the user to be aware of the vehicle once a push button, such as a panic button, is depressed.

Regarding Claim 14, the claim is interpreted and rejected as claims 1 and 2 stated above.

Regarding Claim 19, the claim is interpreted and rejected as claims 2 and 14 stated above.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulha et al. and Hussey et al. and further in view of Stahl et al. (US 4,630,035).

Regarding Claim 3, the combination of Kulha and Hussey do not specifically disclose a system wherein the personal device receives and analyzes at least part of the perceptible signaling. However, Stahl discloses *Alarm System Having Alarm Transmitter Identification Codes And Acoustic Ranging* that teaches a system

comprising at least one alarm unit (18) and at least one transponder (26). The examiner interprets the alarm unit (18) to be a base station. The transponder (26) includes a recorder (40), wherein the recorder (40) includes a sensor (42) for sensing secondary signals generated by one or more of the alarm units, such as the alarm units (18). For example, as illustrated in the transponder (26), the secondary transmission sensor (42) is a microphone for receiving audio signals or tones or an ultrasonic transducer for sensing ultrasonic waves (See Col. 4 Ins 55-68) from the secondary alarm signal of the alarm unit (See Col. 5 Ins 45-66). Therefore, it would have been obvious to incorporate the teachings of Stahl into the system(s) of Kulha and Hussey to accurately locate the relevant alarm area of the base station.

Regarding Claim 4, the combination of Kulha, Hussey and Stahl do not specifically state to conclude communication with base station in a secure manner after the perceptible signaling has been received by the personal device. However, it would have been obvious to one of ordinary skill in the art to conclude the communication of the personal and base station so that unnecessary from either the personal device or the base station would not be wasted.

7. Claims 6, 7, 11-13, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulha et al. in view of Macfarlane (US 2003/0231550).

Regarding Claim 6, Kulha does not specifically disclose a system wherein the base station receives and analyzes at least part of the perceptible signaling. However, Macfarlane discloses *Personalized Key System For A Mobile Vehicle* that teaches a

system comprising a key fob (120/220), a mobile vehicle (110). The mobile vehicle (110) includes a telematics unit (130) to perform functions within the mobile vehicle (110) (see paras [0015 0016 0033]). The key fob (220) includes mechanism to transmit voice commands to the telematics unit (130) within the mobile vehicle (110), thereby requesting that certain functions be performed within the vehicle to be further processed (See paras [0033 0035]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Macfarlane into the system of Kulha for the advantage of offering greater customization and a larger variety of vehicle settings and service available to the user outside the vehicle.

Regarding Claim 7, the combination of Macfarlane and Kulha discloses all of the claimed limitations. Macfarlane discloses a system wherein the key fob (120) initiates a voice command that is received by the telematics unit (130), and a function message that is relayed to the appropriate equipment or controllers in the mobile vehicle to perform a requested function (See paras [0028]).

Regarding Claim 11, Kulha discloses a system wherein the user is carrying a portable transceiver (14) communicates with the base transceiver (12) only when the portable transceiver (14) is within range. If the portable transceiver (14) is not in range, then the functionality of unlocking/locking of the vehicle doors cannot be performed until the perceptible signal, i.e. the peripheral outputs (48) of the portable transceiver, has been activated, thus meeting the claimed limitations.

Regarding Claim 12, Macfarlane discloses a system wherein the voice commands are transmitted to the telematics unit of the vehicle, where the signals are

digitized and compared to a list of stored messages to determine the corresponding function message (see paras [0035]). It would have been obvious to one of ordinary skill in the art to have readily recognized that if the telematic unit does not recognize the signal, the device is prevented from operating the functionality of the vehicle (see paras [0035]).

Regarding Claim 13, Kuhla discloses a system wherein the wake-up sensors (20) are utilized to detect approaching objects within various zones about the vehicle (see Col. 3 Ins 10-52).

Regarding Claim 17, as indicated above in the rejection of claim 12, it would have been obvious to one of ordinary skill in the art to have readily recognized that if the telematic unit does not recognize the signal, the device is prevented from operating the functionality of the vehicle (see paras [0035]). In essence, this is a protective measure to prevent unauthorized entry.

Regarding Claim 20, the claim is interpreted and rejected as claim 12 stated above.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kulha et al. in view of Wallace (US 5,684,337).

Regarding Claim 9, Kulha does not specifically disclose a system wherein an absence of signaling and/or altered signaling at the personal device indicates an operating fault in the transmission process. However, Wallace discloses *Keyless Vehicle Entry Receiver Having A Diagnostic Mode Of Operation Wherein A Code*

*Comparison Is Not Performed* that teaches a system to detect whether a malfunction in the transmitter exists (see Col. 4 Ins25-67). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Wallace into the system of Kulha for the purpose of determining whether a malfunction exists, so that action can be taken to rectify the situation.

### ***Conclusion***

**9.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tang et al. *Remote System For Providing Vehicle Information To A User*, (US 6,724,322)

Nowotnick et al. *Passive Keyless Entry System*, (US 2001/0033222)

Ghabra et al. *Vehicle Two Way Remote Communication System*, (US 7,295,849)

Perraud et al. *Security System And Method*, (US 6,603,388)

King, *Passive Remote Keyless Entry System*, (US 6,236,333)

Sollestre et al. *Reprogrammable Remote Keyless Entry System*, (US 5,864,297)

Lemelson, *Switch Activating System And Method*, (US 4,453,161)

**10.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Correspondence***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDNY LABBEES whose telephone number is (571)272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees  
11/24/2008

/Daniel Wu/  
Supervisory Patent Examiner, Art Unit 2612